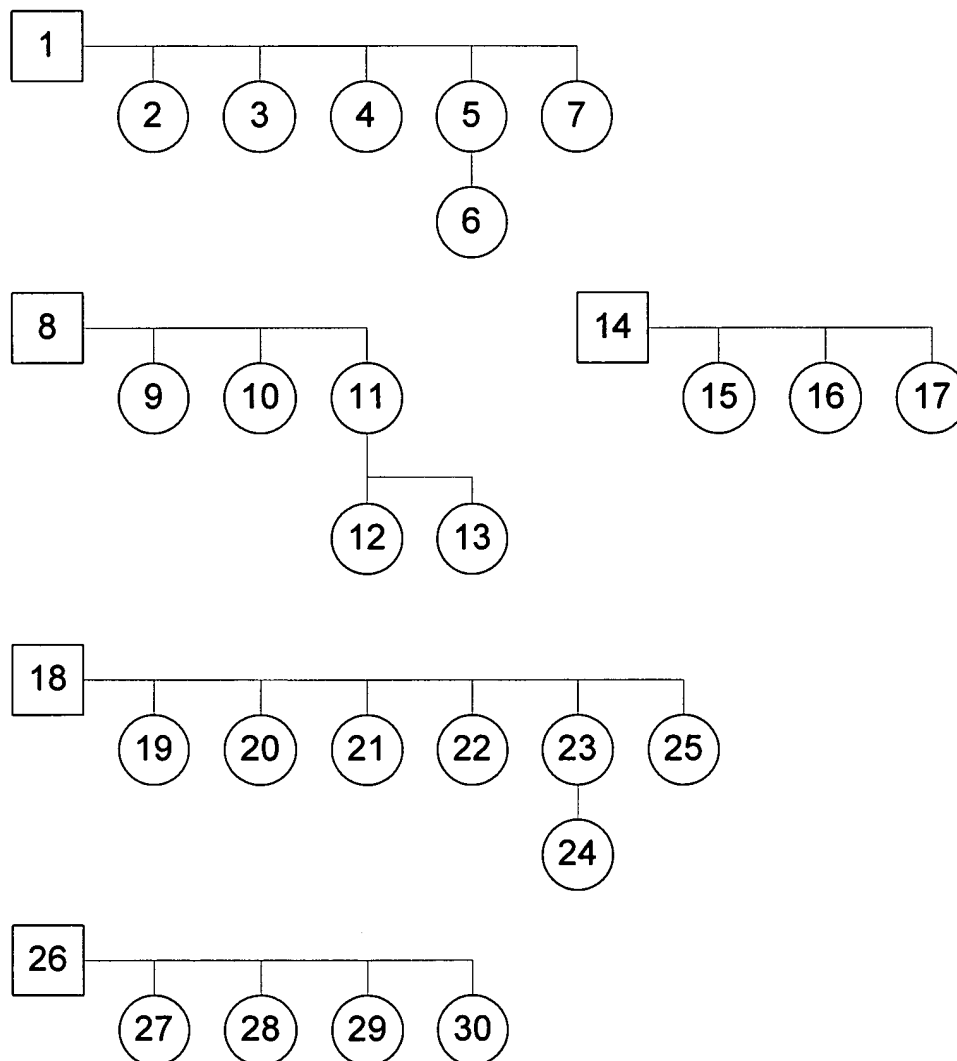


REMARKS

Reconsideration of the application is respectfully requested. An Office action mailed July 29, 2004 is pending in the application. Applicants have carefully considered the Office action and the references of record. In the Office action, claims 1-30 were rejected under 35 U.S.C. § 103. In this response to the Office action, claims 1, 8, 14, 18 and 26 have been amended. Therefore, claims 1-30 are pending in the application. The following diagram depicts the relationship between the independent and dependent claims.



Rejections Under 35 U.S.C. § 103 of the Independent Claims

Each of the independent claims 1, 8, 14, 18 and 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over combinations of U.S. Patent No. 5,261,097 to Paul Saxon (hereinafter *Saxon*), U.S. Patent No. 5,911,066 to Williams et al. (hereinafter *Williams*), and U.S. Patent No. 6,141,793 to Bryant et al. (hereinafter *Bryant*). However, the Manual of Patent Examining Procedure (M.P.E.P.) states that, to support the rejection of a claim under 35 U.S.C. § 103(a), each feature of each rejected claim must be taught or suggested by the applied prior art, and that each of the words describing the feature must be taken into account.

To establish *prima facie* obviousness of a claimed invention, **all** the claim limitations **must** be taught or suggested by the prior art. ... **All** words in a claim **must** be considered in judging the patentability of that claim against the prior art. (M.P.E.P. § 2143.03, emphasis added). Each of the independent claims 1, 8, 14, 18 and 26 as amended includes at least one feature not taught or fairly suggested by *Saxon*, *Williams* or *Bryant* alone or in combination with the prior art of record and is therefore patentable for at least this reason. Examples of claim features missing from *Saxon*, *Williams* and/or *Bryant* are given below for each of the independent claims 1, 8, 14, 18 and 26.

Independent Claims 1 and 8

Each of the independent claims 1 and 8 is amended herein to clarify the nature of the thread queues that play a role in the message passing. Each of the independent claims 1 and 8 as amended requires that the queue include a reference to another queue of the same type.

Each queue comprising a reference to a further queue of the same type.  
(Independent claim 1, as amended).

The first queue comprising a reference to a second queue of the same type as the first queue.  
(Independent claim 8, as amended). This clarification of the nature of the thread queues may be best understood in light of the example software architecture illustrated by Figure 3 and its accompanying description in the specification. For example, each queue 126 and 128 of Figure 3 is described as including a reference to the other.

Queue 126 includes the following objects: an array 130 of messages received from thread 124 and not yet processed by thread 122; ... **a reference** variable 136 containing the address of **the queue 128**; ... .

Queue 128 includes the following objects: an array 142 of messages received from thread 122 and not yet processed by thread 124; ... **a reference variable 148** containing the address of **the queue 126**; ... .

(Specification, page 7, lines 8-21, emphasis added). Although *Williams* is cited by the Office action as teaching operations involving threads, queues and messages, in fact, *Williams* does not even include the words “thread,” “queue,” “message,” or the like. None of *Saxon*, *Williams* or *Bryant* alone or in combination with other prior art of record teach or fairly suggest thread queues as required by independent claims 1 and 8. Each of the independent claims 1 and 8 is thus patentable for at least this reason.

#### Independent Claims 14, 18 and 26

Each of the independent claims 14, 18 and 26 is amended herein to clarify the relationship between the program being compiled and the one or more scripts for executing the compilation. For example, each of the independent claims 14, 18 and 26 as amended requires that the program being compiled is independent of the scripts executing the compilation.

A method for compiling a program having a plurality of sections, the method comprising: creating, for each section of the program, a scripting thread that executes a script for compiling the section, **wherein the script is independent of the program.**

(Independent claim 14, as amended, emphasis added).

A system for compiling a program having a plurality of sections, the system comprising: ... a script for compiling each section of the program, **wherein the script is independent of the program.**

(Independent claims 18 and 26, as amended, emphasis added). In the Office action, *Bryant* is cited as teaching scripts for compiling a program having sections, but in fact, *Bryant* describes compilation **of** scripts for performance optimization reasons and not compilation **by** scripts. None of *Saxon*, *Williams* or *Bryant* alone or in combination with other prior art of record teach or fairly suggest the relationship between scripts and compilation targets required by independent claims 14, 18 and 26. Each of the independent claims 14, 18 and 26 is thus patentable for at least this reason.

#### The Remaining Dependent Claims

Each of claims 1, 8, 14, 18 and 26 is in independent form, whereas all of the remaining claims depend directly or indirectly on one of these five independent claims. The

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dependent claims are allowable for at least the same reasons that the five independent claims 1, 8, 14, 18 and 26 are allowable in that the dependent claims incorporate the features of the independent claims. Nevertheless, the dependent claims further define subject matter not shown or rendered obvious by the prior art of record. Because the independent claims are allowable over the prior art of record, applicants do not believe remarks addressing this further subject matter are necessary herein.

### CONCLUSION

The application is considered in good and proper form for allowance, and the examiner is respectfully requested to pass this application to issue. If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,



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